

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Theoharis C. Theoharides	Confirmation No.:	3055
Application No.:	10/811,826	Art Unit:	1655
Filed:	March 30, 2004	Examiner:	Leith, Patricia A.
Title:	ANTI-INFLAMMATORY COMPOSITIONS FOR MULTIPLE SCLEROSIS		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED PRIORITY CLAIM  
PURSUANT TO 37 C.F.R. § 1.78**

Dear Madam:

Applicant hereby petitions under 37 C.F.R. § 1.78(a)(3) to accept an unintentionally delayed claim to priority under 35 U.S.C. § 120 in the above-referenced application.

Applicant previously filed a Petition To Accept An Unintentionally Delayed Priority Claim pursuant to 37 C.F.R. § 1.78(a)(3) on February 13, 2009. A Decision On Petition Under 37 C.F.R. § 1.78(a)(3) dated September 21, 2009 (hereinafter the “Decision”) dismissed the Petition. Applicant now files this renewed Petition to correct the issues described in the Decision.

As suggested in the Decision, Applicant files herewith an Application Data Sheet pursuant to 37 C.F.R. § 1.76(a)(5) to correctly state the priority claim of the instant application. Applicant previously attempted to make the proper priority claim in a Preliminary Amendment filed with the application on March 30, 2004. Although this amendment was never entered, Applicant respectfully submits that the Preliminary Amendment constituted a bona fide attempt to claim priority.

Applicant later filed a Request for Continued Examination (“RCE”) and Response to Final Office Action (“Response”) on September 24, 2008 in the instant application. In the

Response, Applicant attempted to amend the specification to include the proper priority claim. However, because this amendment occurred after the time period allotted by 37 C.F.R. § 1.78(a)(2)(ii), the amendment was not entered. Thus, Applicant must seek to amend the priority claim through this new Petition.

Through the prior Preliminary Amendment, RCE and Response, and Petition to Accept an Unintentionally Delayed Priority Claim, Applicant has tried on several occasions to correct priority in the instant application. Accordingly, Applicant respectfully submits that the delay in correcting the erroneous claim for priority in the instant application was unintentional.

Applicant previously claimed priority to International Application No. PCT/US02/00476, U.S. Patent Application No. 09/771,669 (“the ‘669 application”), and U.S. Patent Application No. 09/056,707 (“the ‘707 application”). However, as noted in the Decision, International Application No. PCT/US02/00476 was not pending at the time the instant application was filed. To correct this error, the instant application now only claims priority to the ‘669 and the ‘707 applications. The ‘669 application was pending when the instant application was filed. Thus, the complete priority claim should read:

This application is a continuation-in-part application of U.S. Patent Application No. 09/771,669, filed January 30, 2001, now U.S. Patent No. 6,984,667, which is a continuation-in-part application of U.S. Patent Application No. 09/056,707, filed April 8, 1998, now U.S. Patent No. 6,689,748.

Applicant respectfully requests that this Petition be granted and the priority claim of the instant application be acknowledged in an Official Filing Receipt.

**CONCLUSION**

The Director is hereby authorized to charge Deposit Account No. 08-0219, under Order No. 2003133.126US1, the fee of \$1,410 filed herewith pursuant to 37 C.F.R. § 1.17(t).

Applicant believes no additional fees are due with this Petition. However, if a fee is due, or a credit is owed, the Director is hereby authorized to make them to our Deposit Account No. 08-0219, under Order No. 2003133.00126US1.

The Examiner is encouraged to call the undersigned at the telephone number given below to move this application towards allowance.

Respectfully submitted,

Dated: April 7, 2010

/David Giordano/  
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